Municipal Boundary Map Workshop

Hosted by the Kent County Department of Planning Services
and the Delaware Office of State Planning Coordination

Notes

The municipal boundary workshop was held at the Kent County Administration Building on May 15th, 2013 from 9:00 – 11:00am. The workshop was jointly hosted by the Kent County Department of Planning Services and the Office of State Planning Coordination in order to discuss the preparation and recording of municipal boundary maps.

Opening Remarks
Connie Holland of the OSPC and Mary Ellen Grey of Kent County welcomed the attendees, and indicated their support to help municipalities comply with their charters and create boundary maps. Mary Ellen Gray mentioned that the County is willing to utilize their records and mapping resources to assist any town that needs to research or create a boundary map.

Overview of Agenda and Objectives
David Edgell of OSPC reviewed the agenda and asked the audience to introduce themselves. He then briefly went over the objectives of the workshop, which were:
- Develop a common definition of a "Municipal Boundary Map."
- Develop a standard procedure for producing and recording the Municipal Boundary Map.
- Develop standard procedures for recording annexations and updating the Municipal Boundary Map.
- Discuss the pros and cons of annexing road right-of-way.

Charter Language Overview
The section of some municipal charters has been amended by the General Assembly to replace the "metes and bounds" description with language that states that the official boundaries of the town are depicted on a map that is to be recorded at the respective county's Recorder of Deeds. In Kent County, twelve of the twenty municipalities contain this language.

There were several town solicitors present at the meeting. They were asked to share their perspective on why this new language was added to so many charters. They responded that the changes were made to make it easier to update the boundaries each time a property was annexed into the town. The traditional "metes and bounds" boundary involves a detailed written description of the town boundary, written by a surveyor. This can become lengthy and complicated. For example, Smyrna's metes and bounds was 7 pages long. In order to amend the boundaries, the charter had to be re-approved by the

General Assembly. In practical terms, that process can occur once a year although annexations can occur at any time. The new language allows each town to create an official map of their boundaries, and then record that map at the relevant county Recorder of Deeds. The complexity of the written language is no longer needed in the charter. And the town can update the map and re-record it every time there is an annexation without needing to go back to the General Assembly.

There was a question about whether the municipal boundary map style language was legally adequate. The response from the town solicitors present was that it is legally sufficient.

Here is a sample of the charter language that specifies the Municipal Boundary Map. Each municipality with this charter requirement has slightly different language.

Section 2. Metes and Bounds

The boundaries of the Town of _____ are hereby established and declared as recorded on the official map of record in the Recorder of Deeds Office for Kent County of the State of Delaware as presently existing and as hereinafter amended.

The Kent County municipalities that include similar charter language include:

Camden	Clayton	Dover
Felton	Frederica	Harrington
Kenton	Leipsic	Magnolia
Milford	Smyrna	Wyoming

There are other municipalities in New Castle and Sussex Counties that include similar charter language about the boundary maps. They include:

Elsmere	Middletown	New Castle
Townsend	Blades	Bethel
Selbyville	Laurel*	Newark*

*charter amendments pending in General Assembly

What is a Municipal Boundary Map?

The group discussed the contents of a municipal boundary map. A consensus emerged about the contents of the map. Each Municipal Boundary Map should include at least the following:

- Tax parcels that are located within the municipal boundaries

- Roads or portions of roads that are located within the municipal boundaries. The Municipal Boundary Map should be detailed enough show if some roads are annexed to the centerline, or across the entire right of way.
- A title block including the title, date and other details about the map. Some towns will include the town seal and the mayor's signature depending on their specific charter language and who created the map.

The municipality is responsible for creating their Municipal Boundary Map. Kent County and OSPC both offered assistance to the towns if needed. Kent County in particular has a great deal of historical data about the towns that can be very useful when creating the maps.

It also goes without saying that the municipality must be able to document each parcel or roadway segment that is identified on the Municipal Boundary Map. Examples of documentation include the original charter's metes and bounds description and annexation records. Again, Kent County's records may be of assistance in cases where the town's records are incomplete.

Success Story – Camden Municipal Boundary Map

Aarron Chaffinch, the Town Manager of Camden, presented the process followed by the Town of Camden to develop their Municipal Boundary Map. He explained that when he became Town Manager about a year ago, he had questions about the town's official boundaries. The questions were raised because of police jurisdiction issues on a number of roads in and adjacent to the town. After contacting OSPC and talking to his solicitor, he was directed to Camden's charter which defines the boundary as shown on the official map recorded at the Kent County Recorder of Deeds. Some research at the Kent County Recorder of Deeds verified that there was no such map recorded.

When Mr. Chaffinch became Town Manager, he found that Camden's records were not well organized. As a result, it was initially difficult to find all of the information about the town's boundaries and annexations that had occurred throughout the years. In order to properly document and re-create the official town boundaries the town enlisted the help of OSPC and the Kent County Department of Planning Services.

A copy of the 2003 town charter was located which contained the last available metes and bounds description of the boundary. This formed the basis of the boundary. Kent County and OSPC shared their respective records of annexations since 2003, and Kent County Mapping used this information to create a map using GIS. Camden Town Council reviewed the map and adopted a resolution stating that the map reflected the official boundaries of the Town. The map and the resolution were recorded at the Kent County Recorder of Deeds. Mr. Chaffinch handed out copies of the resolution as a sample for other towns to follow.

Standard Procedures for Preparing and Recording Municipal Boundary Maps

Mike Ward and Danielle Lamborn of Kent County Mapping discussed the process of creating and recording maps.

Mike started by describing the process for notifying the County when a town annexes property. Generally, the town should record the annexation resolution and map / exhibit (if there is one) at the Kent County Recorder of Deeds. Once the annexation is recorded, the information is sent to the Kent County Mapping Department. The tax maps and tax records are then changed to reflect that the parcel(s) are now in town. The County keeps a file for each town which contains all of these resolutions and other information about annexations and town boundaries. Sample resolutions and exhibits are available for review upon request.

Next, Danielle reviewed the process for creating the Municipal Boundary Maps. These maps differ from a single annexation in that they show the entire town and its boundaries rather than a single parcel. They also differ in that they can (and should) show where the town boundaries are located in relation to the roads in and adjacent to the town.

Only two towns have completed and recorded Municipal Boundary Maps in Kent County, Camden and Harrington. Camden asked for assistance from Kent County Mapping to create their map. The town did the research on all annexation and boundaries, and Kent County Mapping made the map. Harrington asked their planning consultant, URS, to create their map. Both maps show parcels and roadways that are in the town. Camden's map was adopted by resolution, and both the map and resolution were recorded. Harrington also did a resolution, but only recorded the map. Harrington's map contains a title block with the town seal and the signature of the mayor. The County will not record a map without either an official resolution or the official seal and signature on the map itself.

The group had a discussion about the procedures for recording the maps and/or the resolutions. The consensus was that it would be best to record both. There was a question about whether or not a resolution was necessary. The attorneys in the room said that while it may not be absolutely necessary, it is a good practice and would make the action easier to research.

There was some discussion about what to do when a new property is annexed. Is it enough just to record the annexation resolution, or should the entire Municipal Boundary Map be re-recorded showing the new boundary? The consensus was that the annexation resolution / exhibit and the entire Municipal Boundary Map (revised) should be recorded every time there is an annexation. The map and / or resolution should make it clear that the new map supersedes the previously recorded map. Some were concerned about the cost of recording the map each time. A suggestion was made to include the cost of recordation into the application fee for annexation.

There was a question about whether the Municipal Boundary Map needs to be re-recorded every time there is a subdivision or other development in town. The consensus was that this is not necessary. The town may want to re-publish their map with the new subdivision, but recording the map is only necessary when the boundaries change.

David Edgell of OSPC reminded the towns that every annexation must have a complete Plan of Services accepted by the Office of State Planning Coordination before the town council takes their final discretionary action on the annexation.

Crystal Yerkes of the Kent County Recorder of Deeds discussed the process and costs of recording documents. Maps are recorded in two sizes. Oversized maps cost $91 per page to record, while the regular sized maps cost $66.00 per page to record. It costs $10 per page to record resolutions and other legal documents. Once received and scanned the documents can be available to the public or the town through the County website, and are available as copies for $10 per page. Mike Ward offered that he could also send maps to towns as .pdf files.

Annexation of Road Right-of Way

Marc Cote' of DelDOT discussed the issues surrounding the annexation of road rights of way. It is very important to have a clear understanding of which portions of the road are in the town and which are not. The issues include speed limits, road maintenance, snow plowing, lighting, and police jurisdiction. The boundaries of many towns are complicated by enclaves and uneven annexations. To make matters more complicated, some towns do not annex the road right of way, others annex to the centerline, and others annex all the way across the road.

In general, DelDOT prefers well defined town boundaries and does not support the creation of enclaves. They suggest annexing the entire road where that is possible. It is desirable to make sure all easements, sidewalks, and shared use paths are clearly in (or out) of the town boundaries on both sides of the road. They do not recommend annexing to the centerline, as this creates confusion about maintenance responsibilities, police jurisdiction, and the municipal street aid calculations.

Marc and David Edgell encouraged the towns to consider the road right-of-way with each annexation. Each case will probably be different depending on the conditions surrounding the parcel to be annexed. David indicated that a change may be made to the Plan of Services form to ask towns to indicate how they intend to address the road in the annexation.   OSPC will coordinate with DelDOT for review and comment on road annexations. The town could even ask for guidance from OSPC and DelDOT as soon as the annexation is requested.

Marc showed three diagrams illustrating when a town may choose to annex none of the road, all of the road, or only to the centerline. It was noted that the centerline example was based on a situation where the town had previously annexed to the centerline from the other side. Annexation to the centerline in this example completes the entire right of way.

There was a question from the audience about what language should be used in annexation resolutions to annex road right of way. Marc and David answered that there is not any standard language available to use, but some could be developed.

Another question was whether or not a town could annex the road if properties on both sides are already in town. David reminded the audience that corridor annexations are not permitted by Del. C.

Towns were asked to work with their solicitors in situations where they think they could annex the road and it is not a corridor annexation. OSPC can provide guidance in these situations.

Comments

Linda Raab is a planning consultant working for UD. She commented that she often finds inconsistencies with municipal boundaries when working with towns. She feels that it will be very beneficial for towns to create, update and maintain their municipal boundary maps on a regular basis.

Aaron Chaffinch, town manager for Camden, commented that the town became interested in the municipal boundaries because of police jurisdiction. The police department needed to know exactly where the town boundaries were. As he started learning more about the boundary map, he said that the bigger issue was that Camden was out of compliance with their charter. His priority was to follow the charter first by creating and recording the Municipal Boundary Map.

Miriam Pomilio of OSPC asked about the availability of the digital (GIS) data of the official boundaries for each town. Danielle responded that the County would make that available. Either they would ask the consultant to provide that data when the map is recorded, or the mapping staff could re-create it based on the paper map that is recorded.

Kent County will be the official repository for the completed Municipal Boundary Maps and the associated digital data in Kent County. As more towns create and record these maps, it is expected that Kent County could provide this data to other who use it (OSPC, DelDOT, etc) since the County will always have the most up-to-date information. There will have to be further discussion with New Castle and Sussex Counties to see if they would be willing to offer a similar service.

Wrap-Up

Connie Holland thanked everyone for attending to discuss this important topic. She also thanked Kent County for hosting, and for being so willing to assist the towns with their maps and recording of the maps. Connie said that she hopes we can all continue to work together on this issue so that all the towns can have an accurate boundary map that is available for everyone to use.

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Summary and Standard Procedures

The following represents the consensus of those in attendance at the Municipal Boundary Map Workshop on May 15th, 2013.

Definition of Municipal Boundary Map

A Municipal Boundary Map is a map which clearly depicts the official municipal boundary of a local government, including all parcels and roads or portions of roads that are inside the corporate limits of the municipality.

Standard Procedures for Producing and Recording Municipal Boundary Maps

- The municipality may create the map using their own mapping resources, have the map created by a planning or engineering consultant, or ask to have Kent County Mapping assist by creating the map.
- The use of GIS to create the map is encouraged.
- All areas shown on the map as inside town boundaries must be documented, either with metes and bounds information from a current or previous charter and /or annexation records.
- The map must be approved by the elected legislative body of the municipality (Council or Commission). A resolution approving the Municipal Boundary Map is recommended.
- If required by charter, the Municipal Boundary Map must be recorded at the Kent County Recorder of Deeds. If not required by charter, check with your town solicitor to see if it would be advantageous to record the map.

Standard Procedures following an Annexation

- Record the annexation resolution with Kent County Recorder of Deeds. Upon recordation, the annexation will be forwarded to Kent County Mapping to update tax maps and records.
- Prepare a new version of the Municipal Boundary Map showing the new boundary after the annexation.
- If the town has recorded a Municipal Boundary Map (as required by charter or otherwise), re-record the Municipal Boundary Map. Include a note on the map that clearly indicates that the new map supersedes the old map in its entirety.
- Forward the annexation resolution and any other supporting documentation to the Office of State Planning Coordination for their records.